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EXAMINER

POLLACK, MELVIN H

ART UNIT PAPER NUMBER

2145

DATE MAILED: 11/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/902,729

Applicant(s)

RUVOLO ET AL.

Examiner

Melvin H. Pollack

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: see attached office action.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 13 September 2006 have been fully considered but they are not persuasive. An analysis of each item is provided below.
2. Applicant requests that the examiner point to the element which illustrates the active step of receiving (P. 14, Para. 1). Reception is spread throughout the components, but is best illustrated in items #320-340. "When an electronic message is received, the transport provider 340 receives a message from its messaging system 320 and notifies the MAPI spooler #310. (col. 9, lines 60-65)." Further, the express phrase of receiving is not required; only that the art teaches the activity directly or indirectly. Fig. 3 (and 4) shows a messaging system (#320) and attached programs for handling received messages (#300 and #325). Fig. 9, shows the selection of received messages from a list, and that alone teaches reception; there is no other way to populate the list. Receiving mail must be there, regardless of whether it is expressly stated.
3. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., cannot be limited to one message type (P. 14, Para. 2)) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). There is no limitation stating that incoming communication 1 may be one communication type, while incoming communication 2 may be another, nor is there a limitation step of detecting the communication type and changing functional operation based upon the type.

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4. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., source ID that is not an e-mail address (P. 14, Para. 3)) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In the art, an e-mail address is generally considered to be an identification of the source, and is fairly specific in doing so. As such, there is no need to further "reveal their identity." One could require source ID to be a person or company name, but the claims do not require such. And it is unlikely that two people will have the same e-mail address, and thus the necessary specificity is present. Even if source ID required a much narrower definition, a simple table associating e-mail addresses to other information is well known in the art.

5. Applicant argues that Shuman does not expressly retrieve data regarding said detected source. "In some cases, the if-then statements require the computer to read and assess information external to the selected message item. For example, if the message item is a meeting request, the computer must read external data associated with the user's calendar program, and determine whether a conflict exists. In the 'Microsoft Outlook' program, the user's calendar is published in a manner that makes it available to the infobar code (col. 16, lines 40-50).... When used in conjunction with contact management, the infobar may check the user's contact folder and indicate that presence of other contacts from the same company or other similar information (col. 16, lines 3-6). In other words, the detected source may be used to determine what other meetings you have with that source, or with other sources from the same company or domain.

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6. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., steps have to happen chronologically (P. 15, Para. 2)) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). There is no requirement that the steps must occur in chronological order, nor is there any limitation to the amount of time between each step.

7. Further, the system involves post-processing after reception of the message, but before notification. This post-processing includes populating the aforementioned infobar for rendering.

8. In response to applicant's argument, re claim 2, that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., definition of past event entries (P. 15, Para. 3)) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The examiner defines "past event entries" as an item that has previously been entered, and hence the items that you check for conflicts with. Applicant has done nothing to redefine this term.

9. Applicant argues, re claim 3, that Shuman fails to disclose sockets (P. 15, Para. 4). (Examiner does not have to show other elements.) Interfaces so mentioned are sockets by definition, sockets being defined generically and broadly.

10. Applicant claims that, re claim 4, Shuman does not disclose extracting over a network. Based on claim 1, this regards retrieving data from a database. "Execution of the program

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modules may occur... remotely in a client/server manner (col. 4, line 30).” Further details of remote storage are also given (col. 4, lines 45-60).

11. In response to applicant's argument, re claims 7, 11, 19, that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., “database set must include a client profile database (P. 16, Para. 1)”) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). First of all, there is no limitation requiring any of the databases to be on the client or client-related. Second, the claim is fulfilled if extraction occurred from any of the databases, not all. That said, Shuman does disclose profiles (col. 10, lines 30-40).

12. Applicant claims that, re claims 8 and 12, Shuman does not disclose extracting over a network (P. 16, Para. 2). Based on claim 1, this regards retrieving data from a database. “Execution of the program modules may occur... remotely in a client/server manner (col. 4, line 30).” Further details of remote storage are also given (col. 4, lines 45-60).

13. In response to applicant's argument, re claim 14, that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., “database stores information of the source (P. 16, Para. 3)”) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Storing information of or about the source is not the same as “storing information related to a source.” And while there is a limitation regarding “extracting identity of said sources,” the extraction occurs on the message, not the database, and there are no

limitations describing how the information is used. That said, the purpose of the citation is to show that the system queries information included and external to the message, which includes information about the source (see above).

14. In response to applicant's argument, re claim 14, that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "the user does not initiate retrieval of data (P. 16, Para. 3)") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). There is no limitation stating that a retrieval manager, without input from a user, automatically initiates retrieval of data to provide the user with data before they are notified of the incoming communication. In fact, claim 14 does not disclose any sort of notification step, let alone what occurs before or after the step. That said, the cited area clearly shows that there is an extraction and query before notification (col. 14, lines 10-15).

15. In response to applicant's arguments, re claim 18, that Shuman fails to disclose "pager, email or telephone messages (P. 16, Para. 4)," Shuman may still teach a limitation directly or indirectly, and an express phrase is not required. From the cited actions above, and indeed by applicant's own admission (P. 14, Para. 2), Shuman at the very least discloses an e-mail message, and this alone is enough to fulfill the language. Further, Shuman teaches that the networks include attachment to telephone or cable networks, the implication being that the system may receive a telephone call.

16. In response to applicant's arguments, re claim 20, that Shuman discloses only one item on the list (P. 16, Para. 5). As regarding similar any of claims above, the electronic device only

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has to fit any one category. Further, applicant's admission that Shuman teaches "a PC with various processors" itself indicates two categories: PC desktop and PC laptop. There is no need to show any other device type, although one of ordinary skill in the art would recognize that many of the other devices have similar architectures or can replicate the functionality. Shuman does in fact disclose that the device may be other than a PC, including a custom device (col. 5, lines 15-30).

17. In response to applicant's arguments, re claim 22, that Shuman does not disclose a wireless network (P. 16, Para. 7), the examiner again points out that the network may comprise any, not all, of the networks on the list, and that the showing of each network type is not necessary. Further, Shuman teaches usage of a PSTN telephone network, and one of ordinary skill in the art could presume that such a network would be attached to a cellular phone network.

18. Applicant alleges, re claim 21, that Shuman is silent regarding "one or more entries locators associated with one or more databases identifying specific calendar entries associates with said one or more sources (P. 16, Para. 6)." Applicant fails to provide any discussion regarding how he thinks there is a discrepancy. When checking a calendar for previous entries, the results occur due to using a database, in which calendar entries are associated with information about who the meetings are with, i.e. Bob Smith (col. 12, lines 35-65).

19. Applicant alleges, re claims 23 and 27, that Shuman fails to expressly disclose "detecting identity of said business, accessing the World Wide Web and retrieving and extracting information related to said detected identity (P. 17, Para. 1)." Applicant fails to provide any discussion regarding this charge. Shuman teaches that an external network is used to determine

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whether other contacts or meetings are associated with the same person or business identity, and performs a business transaction based on that.

20. In response to applicant's argument that Cortright would not be combined with Shuman (P. 18, Para. 4), the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In this case, the secondary source suggests a more intuitive GUI interface.

21. Therefore, the rejections are maintained for the reasons above. This rejection is final.

Claim Rejections - 35 USC § 102

22. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

23. Claims 1-4, 7-14, 18-23, 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Shuman et al. (6,708,202).

24. For claims 1, 10, Shuman teaches a method and system (abstract) for automatically retrieving and rendering information regarding a source of incoming communications (col. 1, line 1 – col. 5, line 35 and col. 18, line 10 – col. 19, line 10), said method comprising a plurality

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of steps, one or more of said steps implemented locally or remotely (col. 4, lines 20-35), said method comprising:

- a. Receiving an incoming communication from a source intended for one or more recipients (Fig. 3; Fig. 9, #910), said incoming communications comprising a plurality of communication types further comprising at least one of e-mail, telephone, fax, IM, collaborative message, or combination thereof (col. 3, lines 60-65 and col. 6, lines 30-50);
 - b. Detecting identity of said source (Fig. 9, #915 and #920; col. 11, lines 24-30; col. 12, lines 15-20 and lines 45-55);
 - c. Retrieving from a database (col. 16, lines 40-45), data regarding said detected source (col. 16, lines 3-6), and extracting data comprising any of, or a combination of, the following information: to-do entries, future and past events, journal entries, and profile information (col. 11, lines 25-30; col. 13, lines 33-35 and col. 15, line 55 – col. 16, line 5);
 - d. Summarizing said extracted data (Fig. 9, #925; col. 14, line 25 – col. 15, line 15);
 - e. Notifying said one or more recipients of said incoming communication (Figs. 4-6); and
 - f. Rendering said data in one or more electronic devices associated with said one or more recipients of said incoming communication (Fig. 7, #720 and #730).
25. For claim 2, Shuman teaches that said combination of retrieved data comprises the following information: to-do entries, future and past event entries (col. 13, lines 34-36).

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26. For claim 3, Shuman teaches that said incoming communication is sent via any of the following: sockets, Java Messaging Queue (JMQ), remote procedure call (RPC) or remote method invocation (RMI) (Fig. 1, #30 and #34; Fig. 3, #320, wherein MAPI messaging systems utilize sockets).

27. For claim 4, Shuman teaches that said step of extracting data is performed over one or more networks (col. 4, lines 25-35).

28. For claims 7, 11, 19, Shuman teaches that said data is extracted from any of the following databases: an event database containing one or more recorded events, a to-do database containing one or more actions to be performed, a journal database containing one or more journal entries, or a profile database containing one or more profiles associated with one or more clients (col. 1, lines 30-40; col. 4, lines 10-20; col. 9, lines 5-20; and col. 11, lines 20-30).

29. For claims 8, 12, Shuman teaches extracting additional data related to said detected source from the World Wide Web (WWW) (col. 4, lines 25-35).

30. For claims 9, 13, Shuman teaches that said extracted data includes said profile data (col. 10, lines 30-35).

31. For claim 14, Shuman teaches a system (abstract) for automatic retrieval and rendering of information related to one or more sources (col. 1, line 1 – col. 5, line 35; col. 18, line 10 – col. 19, line 10), said system comprising:

- a. One or more databases (Fig. 1, #33) storing information related to one or more sources (col. 14, lines 15-20), said databases accessible over one or more networks (Fig. 1, #12 and #13);

- b. One or more device agents (Fig. 1, #34; Figs. 3 and 4) detecting incoming communications from said sources (Fig. 9, #910), said incoming communications comprising a plurality of communication types further comprising at least one of e-mail, telephone, fax, IM, collaborative message, or combination thereof, said device agents further extracting identity of said sources (col. 3, lines 60-65; col. 6, lines 30-50);
 - c. A retrieval manager operatively linked to said agents (Fig. 1, #34) initiating retrieval of data (col. 16, lines 40-45), regarding said identified sources (col. 16, lines 3-6), from said databases, and
 - d. A presenter operatively linked to said retrieval manager (Fig. 1, #31 and #32) rendering said retrieved data in one or more electronic devices (Figs. 6-8).
32. For claim 18, Shuman teaches that said requests for communication are any of the following: a pager message, an e-mail message, or a telephone call (col. 6, lines 30-50).
33. For claim 20, Shuman teaches that said electronic devices are any of the following: telephones, mobile telephones, WAP-enabled telephones, pagers, personal digital assistants (PDAs), electronic tablets, personal computers (PCs), mobile computers, laptops, or wireless computer-based devices (col. 5, line 45 – col. 6, line 25).
34. For claim 22, Shuman teaches that said networks comprise any of the following: local area network (LAN), wide area network (WAN), wireless network, or Internet (col. 6, lines 30-50).
35. For claim 21, Shuman teaches that said system further comprises one or more entries locators associated with said one or more databases identifying specific calendar entries associates with said one or more sources (col. 12, lines 45-55), and a gatherer collecting and

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passing said identified specific calendar entries to said retrieval manager (col. 15, line 55 – col. 16, line 10).

36. For claims 23, 27, Shuman teaches a method and system (abstract) for facilitating business transactions (col. 1, line 1 – col. 5, line 35; col. 18, line 10 – col. 19, line 10), based on information retrieved over the World Wide Web (col. 4, lines 25-35), said method comprising:

- a. Receiving an incoming communication (Fig. 9, #910) from a business (Figs. 10-12), said incoming communication comprising a plurality of communication types further comprising at least one of e-mail, telephone, fax, IM, collaborative message, or combination thereof (col. 11, lines 25-30; col. 13, lines 33-35; col. 15, line 55 – col. 16, line 5);
- b. Detecting identity of said business (Fig. 9, #915 and #920; col. 11, lines 24-30; col. 12, lines 15-20 and 45-55);
- c. Accessing the World Wide Web and retrieving and extracting information related to said detected identity (col. 16, lines 3-6);
- d. Summarizing said extracted information (Fig. 9, #925); and
- e. Performing a business transaction based on said summarized information (Figs. 6-8; col. 15, lines 15-55).

Claim Rejections - 35 USC § 103

37. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

38. Claims 5, 15, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shuman as applied to claims 1, 10, 23 above, and further in view of Higgins et al. (US 2002/0116505).

39. For claims 5, 15, Shuman does not expressly disclose that said extracted data is in iCalendar format. Shuman does disclose extraction of data from an external source, including a control to open the calendar program (col. 15, line 55 – col. 16, line 10), but does not provide limitations on the type of calendar data or the method of external data access. Higgins teaches a method and system (abstract) of providing calendar information from an external source to an application program requesting said data (Paras. 1-23 and 29 and 85), wherein the extracted data is in an iCalendar format (Paras. 58-61). At the time the invention was made, one of ordinary skill in the art would have added Higgins iCalendar formatting, along with Higgins method of client-server interaction to provide calendar data from an external source, to Shuman in order to determine a method of implementing Shuman's proposed features in a Shuman distributed system environment, and further to provide the benefits of an XML process such as a streamlined communication without need of translation (Para. 43).

40. For claim 25, Shuman teaches that said method further comprises the step of rendering said summarized information in one or more electronic devices associated with one or more clients (Fig. 1), but does not expressly disclose that information is rendered in a browser enabled electronic device. Higgins teaches this limitation (Para. 34). At the time the invention was made, one of ordinary skill in the art would have added browser functionality to Higgins in order to provide a simpler user interface (Para. 7).

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41. Claims 6, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shuman and Higgins as applied to claims 1, 5, 10, 15 above, and further in view of Cortright (6,828,989).

42. For claims 6, 16, Shuman does not expressly disclose chronologically ordering said extracted data in iCalendar format. Shuman does disclose determining whether a certain time period conflicts with or is proximate to another calendar item (col. 15, lines 59-62), but does not expressly disclose implementation methods regarding how the system determines whether there is a conflicting or adjacent appointment. Higgins teaches that such appointment data may be in iCalendar format (see above), but does not expressly disclose the operations of the calendar server or client applications. Cortright teaches a method and system (abstract) of a calendar management application system (col. 1, line 1 – col. 4, line 55), wherein calendar data is extracted from an external source (Fig. 2, #240; Fig. 3, #300), and then sorted in chronological (sequential) order (Fig. 3, #310; col. 10, line 29 – col. 12, line 40). At the time the invention was made, one of ordinary skill in the art would have provided Cortright's sorting and presentation method to Shuman in order to determine implementation of determining date proximity, and to further Shuman's goal of organizing and managing data such that critical information is not overlooked (col. 1, lines 35-50).

43. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shuman as applied to claim 14 above, and further in view of Belfiore et al. (6,990,513).

44. For claim 17, Shuman does not expressly disclose that at least one of said one or more databases is a relational database that is accessible via search query language (SQL). Belfiore teaches a method and system (abstract) of a distributed computing system (title) for facilitating

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communications and retrieval of data from external sources for applications (col. 1, line 1 – col. 5, line 60), said data including calendar data and business related data (col. 12, line 55 – col. 13, line 60), wherein said databases are relational databases accessible via SQL (col. 28, line 25 – col. 29, line 67). At the time the invention was made, one of ordinary skill in the art would have utilized Belfiore's database system in Shuman in order to simplify the handling of complex data manipulation (col. 29, lines 30-40).

45. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shuman as applied to claim 23 above, and further in view of Bowman-Amuah (6,704,303).

46. For claim 24, Shuman does not expressly disclose that said communication is a telephonic communication, but does disclose connection to a telephone network (col. 6, line 39). Bowman teaches a method and system (abstract) of combining telephone and data communications for using telephone call handling in computer applications (col. 1, lines 1-55), and in particular that such calls utilize a source identity (col. 33, line 25 – col. 39, line 55) that may be utilized for gathering and using information (col. 39, line 55 – col. 48, line 67). At the time the invention was made, one of ordinary skill in the art would have added a telephony connection to Shuman in order to provide interoperability between services (col. 1, lines 30-35).

47. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shuman as applied to claim 23 above, and further in view of Sandhu et al. (6,347,307).

48. For claim 26, Shuman does not expressly disclose that said business transaction is a transaction related to financial securities. Sandhu teaches a method and system (abstract) of

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performing transactions related to financial securities (col. 1, line 1 – col. 2, line 45), wherein communications are linked to calendar servers in order to perform financial securities (col. 4, lines 20-55). At the time the invention was made, one of ordinary skill in the art would have utilized Sandhu data in Shuman so as to expand Shuman's functionality and interactivity (col. 3, lines 50-65).

Conclusion

49. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin H. Pollack whose telephone number is (571) 272-3887. The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MHP

02 November 2006



JASON CARDONE
SUPERVISORY PATENT EXAMINER